

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7177 OF 2005

IN

CRIMINAL APPEAL NO.1290 OF 2004

 Office notes, office :
 Memoranda of Coram, :
 appearances, Court's : Court's or Judge's Orders
 orders or directions :
 & Registrar's orders. :

Mr. Raja Thakare with Mr.
 Gajendra Jadhav for the
 applicant.

Mr. Y.S. Shinde, A.P.P. for
 the State.

**CORAM: SMT. RANJANA DESAI &
 ANOOP V. MOHTA, JJ.**

DATED: 27TH OCTOBER, 2005.

P.C.:-

The applicant is original accused
 1 in Sessions Case No.1149 of 1989.
 He is convicted along with other
 accused for offences punishable under
 section 302 read with section 34 of
 the Indian Penal Code and sentenced to
 suffer RI for life. His appeal has
 been admitted. His bail application
 has been rejected.

The present bail application is

: 2 :

for limited purpose. It is stated in the application that the applicant's elder brother - Pandurang expired in Mumbai on 24/10/2005 and that his old mother too is seriously ill and that there is an emergent need for the applicant to be present with the bereaved family at least during the time that the last rites of his brother are performed on 4/11/2005. The applicant has prayed that he may be allowed to attend the last rites of the deceased brother.

We have heard the learned A.P.P. for the State.

In the facts and circumstances of the case, we feel that it is necessary to allow the applicant to attend the last rites of his elder brother. We are informed that at present the applicant is lodged at Nasik Road Central Prison. Hence, the following order:

O R D E R:

: 3 :

We direct the Superintendent of Nasik Road Central Prison to take the applicant to his residence at Thokarshi Chawl 1/34, G.K. Marg, Mumbai - 400 018 to attend the last rites of his deceased brother on 4/11/2005 under police escort. The applicant shall be allowed to be at the said premises from 9.30 a.m. till 6.00 p.m. After the last rites are performed, the applicant be taken back and lodged in the Nasik Road Central Prison. The applicant shall bear the expenses for his escort. The applicant shall deposit the necessary amount with the Superintendent of Nasik Road Central Prison. The Superintendent of Nasik Road Central Prison shall contact the local police station for making available the escort for the applicant.

Application is disposed of.

All concerned to act on the authenticated copy of this order.

(SMT. RANJANA DESAI, J.)

(ANOOP V. MOHTA, J.)